

MEPA Analyst: *Holly Johnson*

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# NPC

## Notice of Project Change

The information requested on this form must be completed to begin MEPA Review of a NPC in accordance with the provisions of the Massachusetts Environmental Policy Act and its implementing regulations (see 301 CMR 11.10(1)).

Project Name: Snowy Owl Resort (formerly Brodie Mt. Resort)		EOEA #: 12750	
Street: Route 7			
Municipality: New Ashford		Watershed: Housatonic	
Universal Transverse Mercator Coordinates: 643200, 4716800		Latitude: 42°-35'-30" Longitude: 73°-15'-15"	
Status of project construction: 0 %complete			
Proponent: Silverleaf Resorts, Inc.			
Street: 1121 Riverbend Dr.			
Municipality: Dallas		State: TX	Zip Code: 75247
Name of Contact Person From Whom Copies of this NPC May Be Obtained:			
Firm/Agency: SK Design Group, Inc.		Street: 2 Federico Dr.	
Municipality: Pittsfield		State: MA	Zip Code: 01201
Phone: 413-443-3537	Fax: 413-445-5376	E-mail: rfournier@sk-designgroup.com	

In 25 words or less, what is the project change? The project change involves . . .  
 The re-design of the resort's "amenities" buildings, including Sales, Member Services & Registration buildings.

See full project change description beginning on page 3.

Date of ENF filing or publication in the Environmental Monitor: April 10, 2002

Was an EIR required?  Yes  No; if yes,  
 was a Draft EIR filed?  Yes (Date: )  No  
 was a Final EIR filed?  Yes (Date: )  No  
 was a Single EIR filed?  Yes (Date: )  No

Have other NPCs been filed?  Yes (Date(s): 08-14-03)  No

If this is a NPC solely for lapse of time (see 301 CMR 11.10(2)) proceed directly to  
 "ATTACHMENTS & SIGNATURES" on page 4.

**PERMITS / FINANCIAL ASSISTANCE / LAND TRANSFER**

List or describe all new or modified state permits, financial assistance, or land transfers not previously reviewed:

Are you requesting a finding that this project change is insignificant? (see 301 CMR 11.10(6))  
 Yes     No; if yes, attach justification.

Are you requesting that a Scope in a previously issued Certificate be rescinded?  
 Yes     No; if yes, attach the Certificate

Are you requesting a change to a Scope in a previously issued Certificate?  Yes     No; if yes, attach Certificate and describe the change you are requesting:

Summary of Project Size & Environmental Impacts	Previously reviewed	Net Change	Currently Proposed
<b>LAND</b>			
Total site acreage	505±	0	505±
Acres of land altered	11.2	2.4	13.6
Acres of impervious area	15.6	<b>2.4 (15%)</b>	18.0
Square feet of bordering vegetated wetlands alteration	0	0	0
Square feet of other wetland alteration <b>(Riverfront)</b>	7390	62,760	70,150
Acres of non-water dependent use of tidelands or waterways	0	0	0
<b>STRUCTURES</b>			
Gross square footage	403,040	114,160 (28%)	517,200
Number of housing units	332	-8	324
Maximum height (in feet)	50	0	50
<b>TRANSPORTATION</b>			
Vehicle trips per day	2950	0	2950
Parking spaces	938	-14	924
<b>WATER/WASTEWATER</b>			
Gallons/day (GPD) of water use	106,000	0	106,000±
GPD water withdrawal	106,000	0	106,000±
GPD wastewater generation/ treatment	106,000	0	106,000±
Length of water/sewer mains (in miles)	1.3	0	1.3±

Does the project change involve any new or modified:

1. conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97? Yes No
2. release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction? Yes No
3. impacts on Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities? Yes No
4. impact on any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?  
Yes No; if yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources? Yes No
5. impact upon an Area of Critical Environmental Concern? Yes No

If you answered 'Yes' to any of these 5 questions, explain below:

**PROJECT CHANGE DESCRIPTION** (attach additional pages as necessary). The project change description should include:

- (a) a brief description of the project as most recently reviewed
- (b) a description of material changes to the project as previously reviewed,
- (c) the significance of the proposed changes, with specific reference to the factors listed 301 CMR 11.10(6), and
- (d) measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts. If the change will involve modification of any previously issued Section 61 Finding, include a proposed modification of the Section 61 Finding (or it will be required in a Supplemental EIR).

**a)** The project (formerly known as Brodie Mt. Resort) is a residential timeshare development at the site of an in-active ski area (formerly known as Brodie Mountain Ski Area). It consists of the construction of 324 new individual timesharing units contained within 27 buildings. In addition, the project includes new amenities (indoor and outdoor) such as swimming pools, tennis courts, etc. It also includes Registration and Sales buildings.

The project will require the construction of various infrastructure improvements, including a new water supply and storage system, a new sewer treatment facility, and new (or re-built) roadway and parking network. Nearly all the proposed construction activities will take place in previously - developed areas on the property. The total development area will be limited to approximately 37 acres.

Since the issuance of the Certificate on the ENF, the proponent has completed the final design details and specific provisions for protection of the environment. The Proponent has applied for and obtained the following permits and approvals. Copies of these are available upon request:

1. New Source Approval (for water supply wells);
2. Groundwater Discharge Permit (for wastewater disposal system);
3. Permission to construct wastewater treatment facility;
4. Order of Conditions;
5. Special Permit (for P.U.R.D. Development);
6. Site Plan approval (for P.U.R.D. Development);

**(See Attachment for continuation)**

## Attachment to Notice of Project Change

Snowy Owl Resort  
December, 2007

### **a) continued**

In addition, the project was slightly modified in 2003 and submitted to MEPA via letter (see Appendix B). A ruling was issued stating that no further review was necessary (see Appendix C).

b) As compared to the *original ENF Plan*, the primary changes are associated with the proposed “amenities” (both location and uses). The ENF Plan (2002) called for the amenities to be scattered throughout the project while the new Plan centralizes these in the lower portion of the project (see Appendix E). Furthermore, the ENF Plan called for the renovation and re-use of several existing buildings (for amenities). Upon further examination, this proved infeasible. Consequently, all existing buildings will be demolished and all new buildings will be constructed, along with all new parking facilities. In addition, the commercial village, skier services (and skiing), and water slide have all been eliminated from the Plan. Only the tennis courts, swimming pool and Activity Center remain.

The estimated commencement date and completion date have been revised from July, 2002 and July, 2007 to April, 2008 and December 2012 respectively.

Finally, the Project no longer proposes to utilize State funding<sup>1</sup> for any of the construction work.

c) Permits are already in place with respect to water supply and wastewater disposal. The proposed changes will not increase the anticipated levels of flow. However, some minor deviations to the underground piping networks will be necessary. As a result, the Plans will be re-submitted to DEP for an opinion as to the need to modify the permits.

The project already has a valid Order of Conditions on file (see Appendix F). However, the new layout will result in additional impacts to Riverfront above and beyond the approved Plan<sup>2</sup> but at the same time will increase the setback of the main road from the river for the first 1,000 linear feet±, thereby permitting greater riverfront improvement opportunities. The new layout will also create approximately 2.4 acres of additional impervious area (which represents approximately 15% more than the approved amount). As a result of these impacts, a new Notice of Intent (NOI) has been filed with the New Ashford Conservation Commission, which includes a detailed analysis of the project’s impacts to Riverfront, drainage, and all relevant Wetland Resource Areas (see Appendix G). The new Plans call for additional Riverfront restoration and mitigation areas under the “redevelopment” guidelines. They also illustrate additional stormwater management devices to mitigate any potential downstream flooding as a result of the new impervious areas.

It is noteworthy that the Northern Spring Salamander has been de-listed as a Species of Special Concern since the filing of the ENF. Therefore, the project will no longer have an impact under this category.

With respect to traffic, the proposed changes are not expected to increase traffic volumes, and, in fact, will likely reduce volumes due to the elimination of the commercial component of the project. This was availed in the letter to MEPA regarding an earlier project change (see Appendix B and C).

Finally, the revised Plans will be officially submitted to the Town for modification of the Special Permit and Site Plan Approval.

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<sup>1</sup> The Town originally intended to apply for a S.T.R.A.P. grant to make improvements to the access road. However, due to lack of progress on behalf of the Proponent, this process is no longer proposed.

<sup>2</sup> As approved by the New Ashford Conservation Commission

d) As discussed above, the proposed changes will result in unavoidable, additional impacts to Riverfront areas. These will be mitigated by restoring *existing* riverfront alterations in accordance with the re-development guidelines of the Wetlands Protection Act. The following table illustrates the comparison of riverfront impacts between the approved Plan and the revised one:

**Table #1-Comparison of R.F. Impacts by N.O.I.**

	<b>Original Notice of Intent</b>	<b>This Notice of Intent</b>
Existing degraded area (SF)	236,091 (16.4%)	263,700 <sup>3</sup> (18.0%)
Proposed degraded area (SF)	166,242	333,850
1:1 restoration provided (SF)	36,563	41,875
2:1 mitigation provided (SF)	90,953	93,450

*Stormwater* impacts will be abated by virtue of the proposed stormwater management devices, which are very similar to the approved Plan and include, but are not limited to, detention basins, deep-sump catchbasins, groundwater infiltration, and TSS removal devices. These are clearly outlined in the new Notice of Intent (see Appendix G).

Other environmental impacts, i.e., from traffic, will continue to be insignificant under the new Plan because the overall scale of the project has not increased.

No Section 61 Findings were required under the original Plan and none are anticipated for this revision.

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<sup>3</sup> as re-calculated by SK Design Group, Inc.